

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY

DOCUMENT

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YONG BIAO JI, on behalf of himself and
others similarly situated,

Plaintiff,

v.

NEW AILY FOOT RELAX STATION INC,
and EILEEN FOOT RELAX STATION INC,

Defendants.
-----X

ORDER

22 CV 8196 (VB)

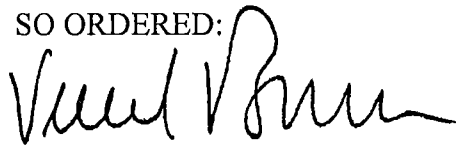
On November 3, 2022, defendants filed a document titled "Defendants' Special Appearance." (Doc. #11). Although defendants' submission refers to Rules 12(b)(2) and 12(b)(7)—which respectively relate to the affirmative defenses of lack of personal jurisdiction and failure to join a party under Rule 19—the Court construes defendants' submission as a motion to dismiss the complaint under Rules 12(b)(1) and 12(b)(6) for a lack of subject-matter jurisdiction and failure to state a claim, respectively.

Accordingly, plaintiff is directed to file a response to the motion to dismiss by November 17, 2022. In his response, plaintiff is directed to address the question of whether this case involves a federal question, 28 U.S.C. § 1331, or whether diversity jurisdiction exists, 28 U.S.C. § 1332.

Defendants, if they wish to do so, may file a reply to plaintiff's opposition by November 28, 2022.

Dated: November 3, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge